

From: [Vicky Sims](#)
To: [Riccio, Nicole](#)
Cc: [Roach, Andrew](#); [Elissa A. Buchanan](#); [Veronica Bosco](#); [Kobelah Bennah](#); [gcary@cgsh.com](#); [skaiser@cgsh.com](#); [Park, Jennifer Kennedy](#); [Nyong'o, Heather](#); [Mulqueen, Matt](#); [Baldridge, Adam](#); [Edward.Stanton@butlersnow.com](#); [Garrison, Grady](#); [Coggins, Paul](#); [Gaffney, Brendan P.](#); [McCoy, Jennifer](#); [Bernhardt, Linden](#); [kmendrygal@lockelord.com](#); [Glover, Karen](#); [Joseph Saveri](#); [Ronnie Spiegel](#); [Kevin Rayhill](#); [Ashleigh Jensen](#); [Gurjit Aulkh](#); [vturner@bruceturnerlaw.net](#); [dgustafson@gustafsongluek.com](#); [dhedlund@gustafsongluek.com](#); [autumn.flores@uwlaw.com](#); [Dan Nordin](#); [rick@paulllp.com](#); [Sean Cooper](#); [Ashlea Schwarz](#); [Jason Hartley](#); [aharwell@nealharwell.com](#); [C.Barrett](#); [tharwell@nealharwell.com](#); [Robert Falanga](#); [Adrian Saldana](#); [Varsity Litigation](#); [Steve Williams](#); [Karin Garvey](#)
Subject: RE: Fusion Elite All Stars, et al., v. Varsity Brands, et al.
Date: Monday, April 11, 2022 3:44:49 PM

Nicole,

We're happy to call chambers with a member of defense counsel to inform the Chief Magistrate of the withdrawal.

From: Riccio, Nicole <NRiccio@bakerdonelson.com>
Sent: Monday, April 11, 2022 4:31 PM
To: Vicky Sims <Vicky@cuneolaw.com>
Cc: Roach, Andrew <aroach@bakerdonelson.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Veronica Bosco <vbosco@dicellolevitt.com>; Kobelah Bennah <Kobelah@falangalaw.com>; gcary@cgsh.com; skaiser@cgsh.com; Park, Jennifer Kennedy <jkpark@cgsh.com>; Nyong'o, Heather <hnyongo@cgsh.com>; Mulqueen, Matt <mmulqueen@bakerdonelson.com>; Baldridge, Adam <abaldrige@bakerdonelson.com>; Edward.Stanton@butlersnow.com; Garrison, Grady <ggarrison@bakerdonelson.com>; Coggins, Paul <pcoggins@lockelord.com>; Gaffney, Brendan P. <BGaffney@lockelord.com>; McCoy, Jennifer <jennifer.mccoy@lockelord.com>; Bernhardt, Linden <lbernhardt@cgsh.com>; kmendrygal@lockelord.com; Glover, Karen <kglover@bakerdonelson.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Kevin Rayhill <krayhill@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Gurjit Aulkh <GAulkh@saverilawfirm.com>; vturner@bruceturnerlaw.net; dgustafson@gustafsongluek.com; dhedlund@gustafsongluek.com; autumn.flores@uwlaw.com; Dan Nordin <dnordin@gustafsongluek.com>; rick@paulllp.com; Sean Cooper <sean@paulllp.com>; Ashlea Schwarz <ashlea@paulllp.com>; Jason Hartley <hartley@hartleyp.com>; aharwell@nealharwell.com; C Barrett <cbarrett@nealharwell.com>; tharwell@nealharwell.com; Robert Falanga <Robert@falangalaw.com>; Adrian Saldana <asaldana@dicellolevitt.com>; Varsity Litigation <VarsityLitigation@cuneolaw.com>; Steve Williams <SWilliams@saverilawfirm.com>; Karin Garvey <kgarvey@dicellolevitt.com>
Subject: Re: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Vicky,

Based on Plaintiffs' representations that they will finish their questions in one day, Defendants will agree to withdraw their motion. Defendants expect that they will be afforded a reasonable opportunity to ask their questions on the same day, and reserve all rights to seek relief from the Court if that does not occur. To that end, please also ensure that the witnesses, court reporter staff, and Plaintiffs' counsel attending the deposition do not have any hard cut-off times on April 13 and 18.

We will prepare a notice to the Court informing it of this agreement.

Nicole Berkowitz Riccio | *Baker Donelson* | 901.577.8166

On Apr 11, 2022, at 3:13 PM, Vicky Sims <Vicky@cuneolaw.com> wrote:

Nicole,

If Defendants wish to question the witnesses, it will be up to Defendants to question the witnesses after Plaintiffs are finished with their questions. If we do not see a withdrawal of your motion by 5:30 pm ET, we will file our opposition.

From: Riccio, Nicole <NRiccio@bakerdonelson.com>

Sent: Monday, April 11, 2022 3:50 PM

To: Vicky Sims <Vicky@cuneolaw.com>

Cc: Roach, Andrew <aroach@bakerdonelson.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Veronica Bosco <vbosco@dicellolevitt.com>; Kobelah Bennah <Kobelah@falangalaw.com>; gcary@cgsh.com; skaiser@cgsh.com; Park, Jennifer Kennedy <jkpark@cgsh.com>; Nyong'o, Heather <hnyongo@cgsh.com>; Mulqueen, Matt <mmulqueen@bakerdonelson.com>; Baldrige, Adam <abaldrige@bakerdonelson.com>; Edward.Stanton@butlersnow.com; Garrison, Grady <ggarrison@bakerdonelson.com>; Coggins, Paul <pcoggins@lockelord.com>; Gaffney, Brendan P. <BGaffney@lockelord.com>; McCoy, Jennifer <jennifer.mccoy@lockelord.com>; Bernhardt, Linden <lbernhardt@cgsh.com>; kmendrygal@lockelord.com; Glover, Karen <kglover@bakerdonelson.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Kevin Rayhill <krayhill@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Gurjit Aulkh <GAulkh@saverilawfirm.com>; vturner@bruceturnerlaw.net; dgustafson@gustafsongluek.com; dhedlund@gustafsongluek.com; autumn.flores@uwlaw.com; Dan Nordin <dnordin@gustafsongluek.com>; rick@paulllp.com; Sean Cooper <sean@paulllp.com>; Ashlea Schwarz <ashlea@paulllp.com>; Jason Hartley <hartley@hartleyllp.com>; aharwell@nealharwell.com; C Barrett <cbarrett@nealharwell.com>; tharwell@nealharwell.com; Robert Falanga <Robert@falangalaw.com>; Adrian Saldana <asaldana@dicellolevitt.com>; Varsity Litigation <VarsityLitigation@cuneolaw.com>; Steve Williams <SWilliams@saverilawfirm.com>; Karin Garvey <kgarvey@dicellolevitt.com>

Subject: Re: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Vicky,

Assuming you will also provide Defendants with reasonable time to question each witness on those same days, we have an agreement. Please confirm.

Nicole Berkowitz Riccio | *Baker Donelson* | 901.577.8166

On Apr 11, 2022, at 2:17 PM, Vicky Sims <Vicky@cuneolaw.com> wrote:

Nicole,

Plaintiffs will be done with our questions on April 13th and April 18th. Please confirm that the parties have an agreement.

From: Riccio, Nicole <NRiccio@bakerdonelson.com>

Sent: Monday, April 11, 2022 2:35 PM

To: Vicky Sims <Vicky@cuneolaw.com>

Cc: Roach, Andrew <aroach@bakerdonelson.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Veronica Bosco <vbosco@dicellolevitt.com>; Kobelah Bennah <Kobelah@falangalaw.com>; gcary@cgsh.com; skaiser@cgsh.com; Park, Jennifer Kennedy <jkpark@cgsh.com>; Nyong'o, Heather <hnyongo@cgsh.com>; Mulqueen, Matt <mmulqueen@bakerdonelson.com>; Baldrige, Adam <abaldrige@bakerdonelson.com>; Edward.Stanton@butlersnow.com; Garrison, Grady <ggarrison@bakerdonelson.com>; Coggins, Paul <pcoggins@lockelord.com>; Gaffney, Brendan P. <BGaffney@lockelord.com>; McCoy, Jennifer <jennifer.mccoy@lockelord.com>; Bernhardt, Linden <lbernhardt@cgsh.com>; kmendrygal@lockelord.com; Glover, Karen <kglover@bakerdonelson.com>; Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Kevin Rayhill <krayhill@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Gurjit Aulkh <GAulkh@saverilawfirm.com>; vturner@bruceturnerlaw.net; dgustafson@gustafsongluek.com; dhedlund@gustafsongluek.com; autumn.flores@uwlaw.com; Dan Nordin <dnordin@gustafsongluek.com>; rick@paulllp.com; Sean Cooper <sean@paulllp.com>; Ashlea Schwarz <ashlea@paulllp.com>; Jason Hartley <hartley@hartleyllp.com>;

aharwell@nealharwell.com; C Barrett <cbarrett@nealharwell.com>; tharwell@nealharwell.com; Robert Falanga <Robert@falangalaw.com>; Adrian Saldana <asaldana@dicellolevitt.com>; Varsity Litigation <VarsityLitigation@cuneolaw.com>; Steve Williams <SWilliams@saverilawfirm.com>; Karin Garvey <kgarvey@dicellolevitt.com>

Subject: Re: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Vicky,

Thank you for your email and for confirming that Plaintiffs will be efficient with their questions. Given the number of depositions scheduled in the last week of this case, we can only agree to Mr. Stott's deposition on April 13 and Mr. Hanbery's deposition on April 18 if those depositions will be completed in a single day with a reasonable opportunity for Defendants to question both witnesses on that single day. Defendants cannot accommodate either deposition extending into a second day, especially given the late notice for both depositions and the impending close of fact discovery. If Plaintiffs agree that both depositions will be completed in a single day, Defendants will withdraw their motion.

Nicole Berkowitz Riccio | *Baker Donelson* | 901.577.8166

On Apr 11, 2022, at 12:06 PM, Vicky Sims <Vicky@cuneolaw.com> wrote:

Counsel,

Thank you for confirming your availability on April 13th. Plaintiffs will aim to be as efficient as possible. However, the parties have already briefed and the Court has already ruled on the issue of how long third-party depositions may last.

Please confirm by 3 pm ET that the issues regarding both the Hanbery and Stott depositions are resolved. If we do not receive confirmation, we intend to file our opposition later today.

Thank you.

From: Roach, Andrew <aroach@bakerdonelson.com>

Sent: Sunday, April 10, 2022 8:11 AM

To: Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Veronica Bosco <ybosco@dicellolevitt.com>; Riccio, Nicole <NRiccio@bakerdonelson.com>; Kobelah Bennah <Kobelah@Falangalaw.com>; gcary@cgsh.com; skaiser@cgsh.com; Park, Jennifer Kennedy <jpark@cgsh.com>; Nyong'o, Heather <hnyongo@cgsh.com>; Mulqueen, Matt <mmulqueen@bakerdonelson.com>; Baldrige, Adam <abaldrige@bakerdonelson.com>; Edward.Stanton@butlersnow.com; Garrison, Grady <ggarrison@bakerdonelson.com>; Coggins, Paul <pcoggins@lockelord.com>; Gaffney, Brendan P. <BGaffney@lockelord.com>; McCoy, Jennifer <jennifer.mccoy@lockelord.com>; Bernhardt, Linden <lbernhardt@cgsh.com>; kmendrygal@lockelord.com; Glover, Karen <kglover@bakerdonelson.com>

Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Kevin Rayhill <krayhill@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Gurjit Aulkh <GAulkh@saverilawfirm.com>; yturner@bruceturnerlaw.net; dgustafson@gustafsongluek.com; dhedlund@gustafsongluek.com; autumn.flores@uwlaw.com; Dan Nordin <dnordin@gustafsongluek.com>; rick@paulllp.com; Sean Cooper <sean@paulllp.com>; Ashlea Schwarz <ashlea@paulllp.com>; Jason Hartley

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<Robert@FalangaLaw.com>; Adrian Saldana <asaldana@dicellolevitt.com>; Varsity
Litigation <VarsityLitigation@cuneolaw.com>; Steve Williams
<SWilliams@saverilawfirm.com>; Karin Garvey <kgarvey@dicellolevitt.com>

Subject: RE: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Counsel,

Defendants can agree to Mr. Stott's deposition proceeding on April 13, provided that Plaintiffs agree that the total amount of time for all Plaintiffs' questioning will not exceed 7 hours.

Andrew Roach
Associate

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
3414 Peachtree Road NE, Suite 1500
Atlanta, GA 30326

Phone: 404.443.6724

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aroach@bakerdonelson.com

Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Washington, D.C.

From: Elissa A. Buchanan <EBuchanan@saverilawfirm.com>

Sent: Friday, April 8, 2022 3:46 PM

To: Roach, Andrew <aroach@bakerdonelson.com>; Veronica Bosco
<vbosco@dicellolevitt.com>; Riccio, Nicole <NRiccio@bakerdonelson.com>;
Kobelah Bennah <Kobelah@FalangaLaw.com>; gcary@cgsh.com;
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rick@paulllp.com; Sean Cooper <sean@paulllp.com>; Ashlea Schwarz
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tharwell@nealharwell.com; Robert Falanga <Robert@FalangaLaw.com>;
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varsitylitigation@cuneolaw.com; Steve Williams
<SWilliams@saverilawfirm.com>; Karin Garvey <kgarvey@dicellolevitt.com>

Subject: RE: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Counsel,

Plaintiffs have consulted with Mr. Stott's attorney and he is not available to

sit for a deposition on April 15. Please let us know if you would like reconsider April 13 for his deposition.

Best,

Elissa
T 415.500.6800 x822



From: Roach, Andrew <aroach@bakerdonelson.com>
Sent: Friday, April 8, 2022 11:55 AM
To: Veronica Bosco <ybosco@dicellolevitt.com>; Riccio, Nicole <NRiccio@bakerdonelson.com>; Kobelah Bennah <Kobelah@FalangaLaw.com>; gcary@cgsh.com; skaiser@cgsh.com; Park, Jennifer Kennedy <jkpark@cgsh.com>; Nyong'o, Heather <hnyongo@cgsh.com>; Mulqueen, Matt <mmulqueen@bakerdonelson.com>; Baldridge, Adam <abaldridge@bakerdonelson.com>; Edward.Stanton@butlersnow.com; Garrison, Grady <ggarrison@bakerdonelson.com>; Coggins, Paul <pcoggins@lockelord.com>; Gaffney, Brendan P. <BGaffney@lockelord.com>; McCoy, Jennifer <jennifer.mccoy@lockelord.com>; Bernhardt, Linden <lbernhardt@cgsh.com>; kmendrygal@lockelord.com; Glover, Karen <kglover@bakerdonelson.com>
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Subject: RE: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Counsel,

Please confirm whether Plaintiffs expect Mr. Hanbery's deposition to extend longer than one day of seven hours.

Thank you,

Andrew Roach
Associate

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Baker, Donelson, Bearman, Caldwell & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia, and Washington, D.C.

From: Veronica Bosco <ybosco@dicellolevitt.com>
Sent: Friday, April 8, 2022 1:46 PM
To: Riccio, Nicole <NRiccio@bakerdonelson.com>; Kobelah Bennah <Kobelah@FalangaLaw.com>; gcary@cgsh.com; skaiser@cgsh.com; Park, Jennifer Kennedy <jkpark@cgsh.com>; Nyong'o, Heather <hnyongo@cgsh.com>; Mulqueen, Matt <mmulqueen@bakerdonelson.com>; Baldridge, Adam <abaldridge@bakerdonelson.com>; Edward.Stanton@butlersnow.com; Garrison, Grady <ggarrison@bakerdonelson.com>; Roach, Andrew <aroach@bakerdonelson.com>; Coggins, Paul <pcoggins@lockelord.com>; Gaffney, Brendan P. <BGaffney@lockelord.com>; McCoy, Jennifer <jennifer.mccoy@lockelord.com>; Bernhardt, Linden <lbernhardt@cgsh.com>; kmendrygal@lockelord.com; Glover, Karen <kglover@bakerdonelson.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Kevin Rayhill <krayhill@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Ashleigh Jensen <ajensen@saverilawfirm.com>; Gurjit Aulkh <GAulkh@saverilawfirm.com>; vturner@bruceturnerlaw.net; dgustafson@gustafsongluek.com; dhedlund@gustafsongluek.com; autumn.flores@uwlaw.com; Dan Nordin <dnordin@gustafsongluek.com>; rick@paulllp.com; Sean Cooper <sean@paulllp.com>; Ashlea Schwarz <ashlea@paulllp.com>; Jason Hartley <hartley@hartleyllp.com>; aharwell@nealharwell.com; Cbarrett@nealharwell.com; tharwell@nealharwell.com; Robert Falanga <Robert@FalangaLaw.com>; Adrian Saldana <asaldana@dicellolevitt.com>; varsitylitigation@cuneolaw.com; swilliams@saverilawfirm.com; Karin Garvey <kgarvey@dicellolevitt.com>
Subject: Re: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Nicole,

Plaintiffs have now had the opportunity to consult with counsel for Mr. Hanbery and to coordinate the moving of Mr. Hanbery's deposition to April 18th. Accordingly, Plaintiffs request that Defendants withdraw the portion of their recently filed motion for protective order as it relates to Mr. Hanberry.

Plaintiffs will follow up with an amended notice.

Kind regards,
Veronica

From: Riccio, Nicole <NRiccio@bakerdonelson.com>
Sent: Thursday, April 7, 2022 6:38 PM
To: Kobelah Bennah <Kobelah@FalangaLaw.com>; Veronica Bosco

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[<skaiser@cgsh.com>](mailto:skaiser@cgsh.com); Park, Jennifer Kennedy
[<jkpark@cgsh.com>](mailto:jkpark@cgsh.com); Nyong'o, Heather [<hnyongo@cgsh.com>](mailto:hnyongo@cgsh.com);
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[<aharwell@nealharwell.com>](mailto:aharwell@nealharwell.com); cbarrett@nealharwell.com
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Subject: RE: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Counsel:

April 13 is less than one week away. Defendants object to the late notice of the depositions of Mr. Hanbery and Mr. Stott being scheduled for April 13 and are unavailable on that date due to other depositions and deposition preparation commitments.

Given the already packed deposition schedule between now and April 18, Defendants can be available for one of these depositions on April 15 and the other on April 18. Please let us know by 10 am CT tomorrow morning if Plaintiffs are willing to reschedule the depositions of Mr. Hanbery and Mr. Stott accordingly. Please also let us know whether Plaintiffs expect either of these depositions to extend more than one day of seven hours.

Defendants reserve their rights to file a motion for protective order and for expedited briefing with the Court in the event that the parties are unable to resolve this issue and intend this email to serve as

consultation under Local Rule 7.2. Defendants also reserve the right to cross-notice these depositions.

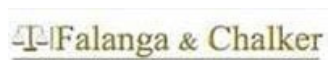
Nicole Berkowitz Riccio

Associate
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From: Kobelah Bennah <Kobelah@FalangaLaw.com>
Sent: Thursday, April 7, 2022 4:56 PM
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gcary@cgsh.com; skaiser@cgsh.com; Park, Jennifer Kennedy
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swilliams@saverilawfirm.com
Subject: RE: Fusion Elite All Stars, et al., v. Varsity Brands, et
al.

P.S. Turns out it's Mr. "Hanbery."

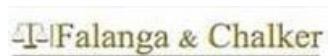


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Subject: RE: Fusion Elite All Stars, et al., v. Varsity Brands, et
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The American Spirit Plaintiffs' Concurrent Notice
to Depose David Hanberry is attached.



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Subject: Fusion Elite All Stars, et al., v. Varsity Brands, et al.

Counsel,

Attached, please find Plaintiffs' Notice of Subpoena of David Hanberry in the above-noted matter.

Best,
Veronica



Veronica Bosco
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